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DEC 12 2006

OFFICE OF PETITIONS

In re Application of	:	
Tim Sales	:	DECISION ON PETITION
Application No. 09/735,883	:	
Filed: 12 December, 2000	:	
For: B-4044 618373-3	:	

This is a decision in reference to the paper filed on 14 August, 2006, which is treated as a the petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **GRANTED**.

The application became abandoned on 13 January, 2005, for failure to timely file a response to the non-final Office action mailed on 12 October, 2004, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 27 July, 2006.

The petition, filed by former attorneys of record Ladas and Parry, states that a Petition to Withdraw as Attorney or Agent was filed on 18 June, 2002, and approved on 2 August, 2002, but that the non-final Office action mailed on 12 October, 2004, was incorrectly mailed to the previous address of record.

A review of the Official record reveals that the request to withdraw as attorney or agent was approved on 2 August, 2002, but that the correspondence address was not changed as indicated therein. As such, the Office action mailed on 12 October, 2004, was not mailed to the correct correspondence address, but rather to the address of petitioner's former attorneys.

As such, the showing of record is that the Office erred in mailing the non-final Office action mailed on 12 October, 2004, to the previous address rather than the current correspondence address. As the error in mailing is due to an Office error, it is appropriate to re-mail the Office action to the current correspondence address.

As such, there is no abandonment in fact. The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The Office apologizes for any inconvenience to petitioner.

The address in the petition is different than the correspondence address. A copy of this decision will be mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application is referred to the Technology Center Technical Support Staff for re-mailing of the Office action mailed on 12 October, 2004. The time period for reply to the Office action will be reset to run from the date the Office action is re-mailed.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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